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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 DONALD MARQUEZ,	)	CASE NO.: 2:20-cv-01247-JAD-EJY
	)	
12 Plaintiff,	)	STIPULATION AND ORDER FOR ONE
	)	HUNDRED FIFTY (150) DAY
13 vs.	)	EXTENSION OF DATES WITHIN
	)	SCHEDULING ORDER
14 SAFECO INSURANCE COMPANY OF	)	
ILLINOIS	)	
	)	[SECOND REQUEST]
15 Defendant.	)	
	)	
16	)	
	)	
17	)	
	)	

18  
19 **COME NOW**, Defendant SAFECO INSURANCE COMPANY OF ILLINOIS  
20 (hereinafter also referred to as “Safeco” or “Defendant”), by and through its attorneys, the law  
21 firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and Plaintiffs, DONALD  
22 MARQUEZ (hereinafter “Plaintiff”), by and through their attorneys of record, Kevin Sprenz,  
23 Esq., of SPRENZ LAW OFFICE and hereby submit this joint stipulated request to extend the  
24 time for the remaining discovery deadlines by one hundred fifty (150) days.

25 The parties specifically note for the Court that this second request to extend time and  
26 discovery is directly related to COVID-19 and the continued impact it has had upon witness  
27 availability.  
28

1 **A. Statement of Completed Discovery**

2 Both parties have produced initial disclosures of witnesses and documents as well as  
3 supplemental disclosures of documents that were obtained via subpoenas to non-parties. The  
4 Defendant has served subpoenas for records from the Custodian of Records for non-parties:  
5 Advantage Diagnostic Imaging Center, LLC, Anthony Theiler, M.D., Extremities Surgical  
6 Institute, Henderson Hospital, Jacobs Medical Associates, JD Gross Medical Corporation  
7 Medical Evaluation Specialists, Inc., Neck and Back Clinics, Neurology Institute of Nevada,  
8 Nevada Orthopedic & Spine Center, Pain Institute of Nevada, Primary Care Consultants, Seven  
9 Hills Surgery Center, LLC, Steinberg Diagnostic Medical Imaging Center, WLVSC dba Valley  
10 View Surgery Center, Limited Partnership, Yee Advanced Orthopedics & Sports Medicine,  
11 P.C..

12 Of the non-parties served with subpoenas, the following have responded and provided  
13 documents: Advantage Diagnostic Imaging Center, LLC, Anthony Theiler, M.D., Extremities  
14 Surgical Institute, Jacobs Medical Associates, JD Gross Medical Corporation Medical  
15 Evaluation Specialists, Inc., Neck and Back Clinics, Neurology Institute of Nevada, Nevada  
16 Orthopedic & Spine Center, Pain Institute of Nevada, Primary Care Consultants, Seven Hills  
17 Surgery Center, LLC, Steinberg Diagnostic Medical Imaging Center, WLVSC dba Valley  
18 View Surgery Center, Limited Partnership, and Yee Advanced Orthopedics & Sports Medicine,  
19 P.C..

20 Parties subject to subpoenas have requested extensions of time to respond and provide  
21 documents - resulting in delayed receipt of materials. All of the documents received in  
22 response to subpoenas have been produced to Plaintiffs.

23 Additionally:

- 24 • Plaintiff has produced his initial and supplemental disclosures as required.
  - 25 • Both parties have designated expert witnesses.
  - 26 • Plaintiffs' medical expert Dr. Gross has been deposed.
- 27  
28

1       **B. Statement of Discovery that remains to be Completed**

2       Defendant anticipates depositions of Plaintiff and a limited number of additional  
3 depositions, depending upon the responses to subpoenas to non-parties, which have not yet  
4 received. These additional depositions will not approach the limits upon the number of  
5 permitted depositions.

6       **C. Statement Supporting the Necessity of Extending Dates within the Scheduling  
7 Order**

8       This extension is necessary to accommodate the delays in discovery caused by COVID-  
9 19. The extension will allow both parties to depose medical experts and non-parties, if  
10 necessary, depending upon subpoena responses. The additional time the parties jointly request  
11 herein is intended to accommodate the delays due to COVID-19 thus far, however the parties  
12 note they are aware of the potential for additional delays and resulting requests for further  
13 extensions may precipitate as additional guidance for the avoidance of spread of COVID-19 is  
14 released. Additionally, the extension of time allows for Defendant to conduct the depositions of  
15 Plaintiff Donald Marquez and other non-parties.

16       **D. Proposed Revised Schedule**

17       With a one hundred fifty (150) day discovery extension of the remaining discovery  
18 deadlines, as well as the total time for discovery, the new discovery cut-off date will be  
19 **October 11, 2021**. The Parties propose to extend the remaining discovery deadlines in this case  
20 by one hundred fifty (150) days, and the resulting changes to the scheduling order will result in  
21 the following:

22       Close of Discovery: Currently, the close of discovery is May 13, 2021. The proposed  
23 cut-off date is **October 11, 2021**.

24       Amend Pleadings and Add Parties: Currently, the deadline to amend pleadings and add  
25 parties was February 10, 2021. The proposed deadline will be, **April 12, 2021**.

26       Expert Disclosure: Currently, the deadline for expert disclosure is March 14, 2021. The  
27 proposed deadline is **August 11, 2021**.

28       Rebuttal Expert Disclosure: Currently the deadline for rebuttal expert disclosure is April  
13, 2021. The proposed deadline is **September 13, 2021**.

1        Dispositive Motions: Dispositive motions will be made no later than **November 10,**  
2        **2021,** which does not exceed the outside limit of thirty (30) days following the  
3        discovery cut-off date that LR26-1(b)(4) presumptively sets for filing dispositive  
4        motions.

5        Pretrial Order: The Joint Pretrial Order shall be filed by **December 10, 2021,** which is  
6        no later than thirty (30) days after the date set for the filing of dispositive motions.

7  
8        DATED this 13<sup>th</sup> day of May, 2021.

DATED this 13th day of May, 2021

9        KOELLER, NEBEKER, CARLSON  
10       & HALUCK, LLP

SPRENZ LAW OFFICE

11       By: /s/Andrew Green

By: /s/Kevin Sprenz

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DONALD MARQUEZ

17        **ORDER**

18        **IT IS SO ORDERED.**

19          
UNITED STATES MAGISTRATE JUDGE

20        DATED: May 14, 2021

21        Respectfully Submitted by:

22        KOELLER, NEBEKER CARLSON  
23        & HALUCK, LLP

24        By: /s/Andrew Green

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